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ELECTION OF THE MEMBERS OF THE COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF

Note by the Secretary-General

1. The Commission on the Limits of the Continental Shelf shall be established in accordance with article 76 of the United Nations Convention on the Law of the Sea and annex II thereto. The Commission shall consist of 21 members. Article 76 of the Convention requires that information on the limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured shall be submitted by the coastal State to the Commission on the Limits of the Continental Shelf set up under annex II on the basis of equitable geographical representation. The Commission shall make recommendations to coastal States on matters related to the establishment of the outer limits of their continental shelf. The limits of the shelf established by a coastal State on the basis of these recommendations shall be final and binding.

2. The third Meeting of States Parties, held from 27 November to 1 December 1995, decided on a deferment of the first election of the members until March 1997.[1] The fifth Meeting of States Parties decided that the first election of all 21 members of the Commission will commence on 13 March 1997 at the sixth Meeting of States Parties, to be held in New York from 10 to 14 March 1997.[2]

3. The Meeting also decided that the nominations of candidates would open on 11 November 1996 and that a State Party or a State which was in the process of becoming a State Party might nominate a candidate, as provided in article 2, paragraph 2, of annex II to the Convention. The Meeting further decided that the nominations would close on 5 February 1997. Nominations received from a State which was in the process of becoming a State Party to the Convention would remain provisional and would not be included in the list of candidates to be circulated by the Secretary-General of the United Nations prior to the election

in accordance with article 2, paragraph 2, of annex II, unless the State concerned had deposited its instrument of ratification or accession on or before 5 February 1997. Subject to these decisions, the Meeting decided that all procedures relating to the election of the members of the Commission as provided for in the Convention would apply.

4. The Secretary-General, in accordance with article 2, paragraph 2, of annex II to the Convention and the decision of the Meeting of States Parties referred to above, addressed a note dated 11 October 1996 to States Parties and to observer States inviting them to submit by 5 February 1997 the names of candidates whom their Governments might wish to nominate for the election of members of the Commission, together with statements of qualifications of such candidates.

5. The Secretary-General addressed a further note dated 6 December 1996 to States Parties and observer States, drawing attention to the previous note inviting nominations and reminding them of the closing date for receipt of nominations and the requirement that States that were not parties should have deposited their instruments of ratification or accession on or before 5 February 1997 in order that candidates nominated by them would be included in the list of candidates for election.

6. A list of all the persons nominated, in alphabetical order, with an indication of the States Parties which have nominated them, will be prepared by the Secretary-General in accordance with article 2, paragraph 2, of annex II to the Convention. The list and the curricula vitae of the candidates will be circulated on 14 February 1997 in accordance with the decision of the fifth Meeting of States Parties.

7. Article 1 and article 2, paragraph 1, of annex II to the Convention provide as follows:

"Article 1

"In accordance with the provisions of article 76, a Commission on the Limits of the Continental Shelf beyond 200 nautical miles shall be established in conformity with the following articles.

"Article 2

"1. The Commission shall consist of 21 members who shall be experts in the field of geology, geophysics or hydrography, elected by States Parties to this Convention from among their nationals, having due regard to the need to ensure equitable geographical representation, who shall serve in their personal capacities."

8. In accordance with article 2, paragraph 2, of annex II the submission of nominations should be made after appropriate regional consultations.

9. Article 2, paragraph 3, of annex II provides that elections of the members of the Commission shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Commission shall be those nominees who obtain a two thirds majority of the votes of the representatives of States Parties present and voting. Not less than three members shall be elected from each geographical region.

10. In accordance with article 2, paragraph 4, of annex II the members of the Commission shall be elected for a term of five years and shall be eligible for re-election.

11. Article 2, paragraph 5, of annex II stipulates that the State Party which submitted the nomination of a member of the Commission shall defray the expenses of that member while in performance of Commission duties. The coastal State concerned shall defray the expenses incurred in respect of the scientific and technical advice referred to in article 3, paragraph 1 (b), of annex II to the Convention.

Notes

[1] SPLOS/5, para. 20.

[2] SPLOS/14, paras. 41 and 42.